



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,648	02/12/2002	Robert Joseph Loughry	41992-00541	7157

7590 11/16/2004

MARSH FISCHMANN & BREYFOGLE LLP
SUITE 411
3151 SOUTH VAUGHN WAY
AURORA, CO 80014

EXAMINER

NGUYEN, PHUNG

ART UNIT	PAPER NUMBER
----------	--------------

2632

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,648

Applicant(s)

LOUGHRY, ROBERT JOSEPH

Examiner

Phung T Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-33 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 19 and 34-38 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8-18 and 39-48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 and 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 7, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Pascucci et al. (U.S. Pat. 5,598,566).

Regarding claim 1: Pascucci et al. disclose networked facilities management system having a node configured with distributed load management software to manipulate loads controlled by other nodes which comprises providing a first data signal to the information processing device, wherein the first optical device displays the state of the first data signal crossing an interface associated with the information processing device, and operating the first optical device other than in accordance with the first data signal (col. 96, lines 15-27).

Regarding claims 6 and 7: Pascucci et al. disclose the step of filtering the first data to define a second signal that is provided to the first optical device (col. 61, lines 38-42).

Regarding claim 19: Pascucci et al. disclose wherein the first optical device is a light emitting diode (col. 96, lines 15-17).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2632

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pascucci et al. (U.S. Pat. 5,598,566).

Regarding claims 2 and 3: Pascucci et al. do not teach using the switch to block the first data signal before reaching the first optical device as claimed. However, using the switch to turn on or off an electronic device is old and well known in the art. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to utilize the conventional switch to control the data signal before reaching the optical device if desired.

Regarding claim 34: Pascucci et al. disclose providing a first data signal to the information processing device, displaying a state of the first data signal crossing an interface associated with the information processing device using a first optical device that is associated with the information processing device and monitoring an optical output of the first optical device (col. 96, lines 15-27) except retrieving data from the optical output based signal form the monitoring step using a computer. However, using the computer to retrieve data is well known in the art. Therefore, it would be an obvious design choice to use the computer to retrieve data as needed.

Regarding claim 35: Pascucci et al. do not teach a telescopic optics as claimed. However, employing the conventional telescopic optics to gather light from the field of view is known in the art. Therefore, it would be obvious to monitor the optical output using the telescopic optics as desired.

Regarding claims 36 and 38: Pascucci et al. do not teach converting the optical output to an electrical signal and decoding the electrical signal and decoding step comprises providing the electrical signal to a universal synchronous-asynchronous receiver-transmitter. The use of universal synchronous-asynchronous receiver-transmitter to perform conversion of digital data is old and well known in the art. Therefore, it would be obvious to the skilled artisan to utilize the conventional universal synchronous-asynchronous receiver-transmitter in the system of Pascucci et al. to provide the decoding function.

Regarding claim 37: Pascucci et al. do not teach converting step which comprises directing the optical output to one or more photodetectors. Since the use of photodetectors to receive optical signals is known in the art, it would be obvious to use photodetector in order to turn pulses of light into bursts of electricity.

Allowable Subject Matter

5. Claims 4, 5, 8-18, and 39-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 20-33 are allowed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Dorrough et al. [U.S. Pat. 6,198,403] disclose power line meter/monitor with LED display.

Art Unit: 2632

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', with a long horizontal flourish extending to the right.

Date: November 5, 2004